

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, June 17th, 1975, at 7:30 P.M.

Present:

John H. Leonard, Supervisor  
Robert G. Leonard, Town Justice  
Gregory R. Manning, Town Justice  
George G. Young, Councilman  
Francis E. Menendez, Councilman

Also present: Allen M. Smith, Town Attorney

Absent: Alex E. Horton, Supt. of Highways

EXECUTIVE SESSION - 10:00 A.M.

10:30 A.M. - Mrs. Grace Marano - Narcotic Guidance Council Proposal

11:00 A.M. - Shepard Scheinberg, Esq. re Change of Zone - Jenasaqua

This matter was taped and will remain on file for one year in the office of the Town Clerk.

Supervisor Leonard called the Meeting to Order at 7:30 P.M. and the Pledge of Allegiance was recited.

Supervisor Leonard then said: "I'd like to open the Meeting by welcoming Dr. Menendez back. We're glad to have him back with us."

Councilman Menendez then spoke: "First of all, I'd like to publicly thank everyone in the Town Hall, all the Town Employees and everybody else for their kind thoughts and the things that they did for me, while I was laid up for repairs. And I tell you, it makes you feel very grateful and very humble that so many people care. Apparently, politics meant nothing, because it came from all directions. So I want to thank everybody for everything they did from the bottom of my heart."

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held June 3rd, 1975, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Minutes of the Special Meeting of the Town Board of the Town of Riverhead, held on June 11th, 1975, be approved as submitted.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills, submitted on Abstract, dated June 17th, 1975:

General Town	\$49,746.75
Highway Item #1	\$ 1,514.21
Highway Item #3	\$ 2,490.37
Highway Item #4	\$ 872.70
Drug Abuse Program	\$ 407.45
Senior Nutrition Program	\$ 3,154.64
Federal Revenue Sharing	\$ 57.20
Town Hall Capital Project	\$ 35.10
Special Districts	\$10,790.37
Sound Avenue-Fresh Pond Contract	\$ 3,750.00

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following bills be and are hereby approved for payment:

General Town	\$49,746.75
Highway Item #1	\$ 1,514.21
Highway Item #3	\$ 2,490.37
Highway Item #4	\$ 872.70
Drug Abuse Program	\$ 407.45
Senior Nutrition Program	\$ 3,154.64
Federal Revenue Sharing	\$ 57.20
Town Hall Capital Project	\$ 35.10
Special Districts	\$10,790.37
Sound Avenue-Fresh Pond Contract	\$ 3,750.00

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Supervisor's, month of May, 1975. Filed.

Recreation Department, month of May, 1975. Filed.

Captain Roscoe Palmer, Report on Speed Limit Investigation on Route 25, Jamesport. Filed.

Captain Palmer states that a radar check was made on June 6, 1975 and 320 cars were clocked from 8:15 A.M. to 9:17 A.M. and the average speed was 43MPH. He further states that out of the 320 cars, 113 exceeded the speed limit from 2MPH to 17MPH.

He concludes by saying that if Mr. Cantwell still feels that the speed limit should be changed, it is a matter for the N.Y.S. Department of Transportation and he should write to them.

Report of Supt. of Highways on request of Hartwood Civic Assoc. as follows:

"To Ms. Nettles:

In reference to your letter of May 26, 1975, please be advised that new street signs will be put up as soon as we can get them painted. We will also take care of the "No Parking" sign at the circle.

You will however, have to take up the matter of police patrolling with Chief Grodski of the Riverhead Police Department." (Signed)

OPEN BID REPORT - Site Work for New Town Hall

After being duly advertised, the following Bids were opened by the Town Clerk for Site Work - New Town Hall, on Monday, June 16th, 1975, at 11:00 A.M.:

Lizza Industries, Inc. 15 Remsen Road Roslyn, New York 11576	Alternate #1 - Deduct \$2,200.00 Alternate #2 - Deduct \$1,250.00 Base Bid-Lump Sum: <u>\$74,000.00</u>	Filed.
J.J. True, Associates 315 West Drive Copiague, New York 11726	Alternate #1 - Deduct \$1,008.00 Alternate #2 - Deduct \$ 750.00 Base Bid-Lump Sum: <u>\$50,570.00</u>	
Rason Asphalt 15 Columbia Street Port Jefferson Station, N.Y. 11776	Alternate #1 - Deduct \$2,112.00 Alternate #2 - Deduct \$1,400.00 Base Bid-Lump Sum: <u>\$64,188.88</u>	Filed.
Pratt & Pratt, Inc. P.O. Box 374 608 Union Avenue Holtsville, N.Y. 11742	Alternate #1 - Deduct \$2,100.00 Alternate #2 - Deduct \$ 795.00 Base Bid-Lump Sum: <u>\$75,747.00</u>	Filed.
Tri-State Enterprises 600 Middle Country Road Selden, New York 11784	Alternate #1 - Deduct \$1,800.00 Alternate #2 - Deduct \$ 500.00 Base Bid-Lump Sum: <u>\$78,843.00</u>	Filed.
Stetler Bros., Contracting 1208 Suffolk Avenue Brentwood, New York 11717	Alternate #1 - Deduct \$3,000.00 Alternate #2 - Deduct \$ 900.00 Base Bid-Lump Sum: <u>\$66,905.00</u>	Filed.
Quogue Construction Old Country Road Quogue, New York 11959	Alternate #1 - Deduct \$1,410.00 Alternate #2 - Deduct \$7,132.00 Base Bid-Lump Sum: <u>\$75,300.00</u>	Filed.
Mohawk Blacktop Corp. 1455 New York Avenue Huntington Station, N.Y. 11746	Alternate #1 - Deduct \$4,000.00 Alternate #2 - Deduct \$ 750.00 Base Bid-Lump Sum: <u>\$77,777.77</u>	Filed.

COMMUNICATIONS

Mark B. McCabe, dated 6/5/75, stating he read in the May 29th issue of the News-Review that the O.T.B. was interested in the McCabe Building for their operations, but were worried about insufficient parking.

He continued by saying that the parking situation is the reason that that property is vacant and he feels the Town Board should not allow Town personnel, Police Department or N.Y. Telephone personnel to park in the parking field behind the stores on West Main Street. Filed.

Copies to Town Board and Town Attorney.

Town of Southampton, re Amendment to Zoning Ordinance #26 regarding "Certificate of Occupancy". Filed.

Copies to all Town Agencies.

COMMUNICATIONS - continued:

VIMCO Speedway, dated 6/2/75, request permits for fireworks displays to be held July 5th, rain date, July 12th and September 6th, rain date, September 13th.

Map of grounds and proper insurance coverage was also enclosed.  
Copies to Town Board and Town Attorney.

Town Attorney: "Gentlemen, on the insurance certificates that were enclosed, they were certificates by an agent in Texas. In contacting the Town Insurance Agent, Mr. Charles Smith, I asked him to check and see if this particular insurance company was licensed to do business in the State of New York and the particular book that he has of licensed agencies did not show that this company was licensed to do business in the State of New York.

If you wish to adopt the resolutions this evening, on that, they should be subject to the production of adequate insurance."

Suffolk County Department of Planning, dated 5/29/75, re rescinding moratorium "MF-1 and MF-2", Residence Districts, Town of Brookhaven, stating if a resolution of objection is not received, from the municipal board, by June 18, 1975, they will assume there are no objections.

Copies to all Town Agencies.

Filed.

The Town Board had no objections.

Jack Foster, dated 6/2/75, stating it's about time the Town took on the responsibility of Cranberry Street.

He further stated that some trees are too close to the street and it is difficult for two vehicles to pass, the southeast end of the street floods whenever it rains, and there are no sidewalks or shoulders to walk on.

Filed.

Copies to Town Board, Town Attorney and Supt. of Highways.

Councilman Menendez stated that the road is half on the Church's property and they have been very lenient with the Town, thus far, but something should be done soon, because the Town is legally on the private property of the Church and is responsible for the upkeep of the road.

Sound Avenue Grange, dated 6/5/75, stating that the preservation of Sound Avenue as a rural highway is of vital concern to the members of the Grange.

They further state that they feel it is essential to preserve the scenic and historic beauty of the area for the good of the entire township and conclude by asking the Town Board to put forth every effort to prevent Sound Avenue from becoming a major highway.

Filed.

Copies to Town Board and Town Attorney.

Walter J. Flanagan, dated 6/5/75, giving formal notice of his upcoming retirement as a Police Sergeant in the Riverhead Police Dept. on July 5th, 1975.

In closing, he states that he wishes to express his deep appreciation to the members of the Town Board and the people of Riverhead for allowing the privilege to serve them for the past 21½ years.

Filed.

Copies to Town Board, Town Attorney and Police Chief.

COMMUNICATIONS - continued:

Suffolk County Department of Planning, dated 6/4/75, re Amended Building Zone Ordinance #26, Town of Southampton, stating if a resolution of the municipal board is not received by June 24th, 1975, they will assume there are no objections. Filed.

Copies to all Town Agencies.

The Town Board had no objections.

CONCERN, a non-profit community mental health support organization, dated 6/5/75, opposing "the closing down of Central Islip, being the psychiatric hospital for Babylon and the six eastern towns in Suffolk and primary concern to the residents of these towns.

In addition to in-hospital care and treatment of 2250 patients, Central Islip also supplies out-patient services for over 2100 residents in its catchment area, as mentioned above."

They conclude by requesting the Town's support, perhaps in the form of a resolution to save Central Islip Psychiatric Center. Filed.

Copies to Town Board and Town Attorney.

The Town Board will take this matter under advisement.

N.Y.S. Department of Environmental Conservation, dated 6/4/75, Calling Public Hearing on July 24, 1975 regarding the Petition of the Town of Riverhead.

"The project site is located in Terry's Creek, north side of Flanders Bay at Aquebogue.

The petitioner proposes to do maintenance dredging in the entire creek and remove all sludge to the existing hard bottom."

All persons, corporations or civil divisions of N.Y. State, who have objections to said dredging, must file notice of appearance of such desire to be heard, in writing and in duplicate, on or before July 18, 1975. Filed.

Copies to all Town Agencies.

Wading River Chamber of Commerce, Inc., dated 6/12/75, requesting Town Board to schedule a hearing to arrive at a satisfactory solution to the enforcement of traffic and parking regulations in Wading River.

They further ask that a ten minutes parking regulation in the Village and a lowering of the speed limit, through the Village, from 30MPH to 20MPH. Filed.

Copies to Town Board, Town Attorney and Captain Palmer.

Supervisor Leonard and Captain Palmer have been in contact with members of the Wading River Chamber and are trying to reach a solution.

Mrs. Virginia Wines, dated 6/11/75, thanking the Town Board, on behalf of the residents of Sound Avenue, for passing the resolution to designate Sound Avenue as a scenic and historic road.

COMMUNICATIONS - continued:

She further states that the residents urge the State Assembly and Senate to pass the bills which will name Sound Avenue as an Historic Corridor. Filed.

Copies to Town Board and Town Attorney.

Fairhaven Property Owners Association, dated 6/10/75, stating: "At a meeting of the Association held on June 7th, it was regularly moved that we send a letter to the Board of Supervisors stating at this time the Jamesport School should not be rented to any organization until the community determines its needs for the building." Filed.

Copies to Town Board and Town Attorney.

Fairhaven Property Owners Association, dated 6/10/75, stating: "This is to advise that the Fairhaven Property Owners Association opposes the erection of a nuclear plant in Jamesport." Filed.

Copies to Town Board and Town Attorney.

Cooperative Extension, received 6/13/75, enclosing packet on land use issues, comprised of a statement on land use by the League of Women Voters, a brief assessment of various farmland preservation alternatives, a critique of Section 247 of the General Municipal Law, and a synopsis of the steps in land use planning. Filed.

Copies to Town Board and Town Attorney.

Muscular Dystrophy Association, Inc., dated 6/16/75, asking permission to have the ambulance on call during the following dates of the rodeo:

"July 4th, 5PM - 8PM, July 5th, 1PM - 8PM, and July 6th, 1PM - 8PM"

They further state if there are any forms to be filled out, they would appreciate knowing immediately. Filed.

Copies to Town Board, Town Attorney and Police Chief.

It was decided that permission would be granted to let the M.D.A. use one of the Town ambulances during the above mentioned rodeo dates.

UNFINISHED BUSINESS

(a) Proposed Change of Zoning Ordinance #26 regarding Signs:  
Temporarily tabled.

(b) Decision on Zone Change Application - Drs. Brown and Allen:  
Resolution to be presented later in Meeting.

(c) Decision on Zone Change Application - Jenasaqua Realty Co.:  
\* Resolution to be presented later in Meeting.

(e) Police report on request for "No Parking" sign, Cliff Road Wading River: Read at the beginning of the Meeting.

\* (Item (d) is listed in the Sewer Minutes, page 37)

PERSONAL APPEARANCES

Supervisor Leonard asked if anyone wished to be heard and the following responded:

William Roberts, Calverton asked the status of the Petition presented regarding an amendment to the parking ordinance for Edwards Avenue, Calverton.

Town Attorney stated that there was a resolution to be presented later on in the Meeting Calling a Public Hearing to Amend Ord. #3 that would hopefully take care of their problems.

Joyce Halasc asked if Item (c) under Unfinished Business was going to be deferred or denied.

Supervisor Leonard stated that there would be a decision made on that zone change later on in the Meeting.

RESOLUTIONS

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That this Town Board grants permission for the Polish Town Civic Association to erect a banner across Pulaski Street for the purpose of publicizing a planned "Street Fair" on August 16, 1975.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The members of the Polish Town Civic Association wish to hold a "Street Fair" in the area of Pulaski Street, and

WHEREAS, This Board encourages civic participation of the residents of the township, and

WHEREAS, The Police Department and Fire Department have been advised by letter of the plans and arrangements of a "Street Fair", and

WHEREAS, Obstructions will not be permitted in the street for the passage of emergency vehicles, if necessary,

NOW, THEREFORE, BE IT RESOLVED, That this Board grants permission that Pulaski Street be closed to vehicular traffic during the hours of 10:00 A.M. to 4:00 P.M. on Saturday, August 16, 1975, for the purpose of a community "Street Fair".

After some discussion as to the specific area to be closed off, Councilman Menendez withdrew his second to the above motion and the resolution was tabled for the next Meeting of the Board in July.

RESOLUTIONS - continued:

Town Justice Manning offered the following resolution which was seconded by the entire Board and unanimously adopted.

WHEREAS, Dennis Gerard Kenter of Troop 645 Boy Scouts of America, Riverhead, New York, has achieved the rank of Eagle Scout and will be presented with the Eagle Award on June 29th, 1975,

BE IT THEREFORE RESOLVED, That the Town Board of the Town of Riverhead hereby conveys its expression of commendation and gives recognition to Dennis Gerard Kenter for having reached the rank of Eagle Scout in the Boy Scouts of America, and be it

FURTHER RESOLVED, That the Town Clerk be authorized and instructed to transmit a suitably engrossed copy of this Resolution to Dennis Gerard Kenter.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That eight (8) Town owned Police Vehicles bearing the following VIN numbers: PK45P3D229521, PK41P3F217990, PK41P3F217987, PK41P3F272931, 683107H596976, PK41GOF202523, PK41N1F235366, PK41P2D313814 be declared surplus and the Town Clerk be and is hereby authorized to advertise for sealed bids for such SURPLUS VEHICLES, and be it

RESOLVED, That the Police Captain prepare Bid Forms, and

BE IT FURTHER RESOLVED, That such Bids be returnable on June 30, 1975 at 11:00 A.M. at which time all such Bids will be publicly opened and read aloud.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the Town Board purchase One (1) "500C" Microfilm Reader and Reader Printer, Commodity Group #26002, for use of all Town Departments, from 3M Business Products Sales, Inc., 100 Crossways Park West, Woodbury, New York, 11797, pursuant to State Contract #P-59088, at a cost of \$3,085.84, and

FURTHER RESOLVED, That the cost of the aforesaid "500C" Reader and Reader Printer be paid from the Federal Revenue Sharing Funds.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That Highway bills submitted on abstract dated June 17, 1975, as follows:

General Repairs - Item #1: Mobil Oil Corporation, bills dated May 28, May 30 and June 5, 1975 totalling \$605.86; be and the same are hereby approved for payment.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.



RESOLUTIONS - continued:

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the following be and are hereby appointed Beach Attendants effective June 21, 1975 to and including September 1, 1975, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Arthur P. Harrison	\$2.75
Andrew Lunati	\$2.75
Edward Thomas McGoey	\$2.75
Edward J. Parisen	\$2.90
Raymond Turula	\$2.75

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the following be and are hereby appointed to serve as Lifeguards effective June 21, 1975 to and including September 1, 1975, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Thomas A. Brady	\$3.64
James J. DeCarle	\$3.10
William J. Grodski	\$3.00
James Quentin Hirsch	\$4.00
William E. O'Haire, Jr.	\$3.10
Mary Margaret Patrick	\$3.00
Thomas Terry Peterson	\$3.25
Robert Louis Rupnick	\$3.00
Richard Valek	\$3.10

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the following be and are hereby appointed Recreation Specialists (Water Safety Instructors) effective June 23, 1975 to and including August 15, 1975, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Thomas Leon McKay, Jr.	\$2.85
Dorothy A. Patrick	\$3.25
Carol E. Sabat	\$3.25

RESOLUTION - continued:

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the following be and are hereby appointed to serve on the Playgrounds effective July 7, 1975 to and including August 15, 1975, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Margaret Anne Bender	\$2.60
Maria O. Dowbusz	\$2.50
Nancy Edgar	\$2.50
Kathleen Patrice Gallagher	\$2.50
Cathleen Kobylenski	\$2.50
Barbara Lowery	\$2.60
Laurie Edna McKillop	\$2.50
Linda J. Prusinowski	\$2.70
Judith A. Ribeiro	\$2.60
Barbara Scudder	\$2.70
Barbara Jean Sendlewski	\$2.50
Elizabeth M. Stark	\$2.50
Maryfran Yeronick	\$2.50

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, The Town Board did receive competitive bids for site work on the new Town Hall on June 16, 1975, and

WHEREAS, J.J. True Associates, Inc. of 315 West Drive, Copiague, New York was the low bidder at \$50,570.00.

NOW, THEREFORE, BE IT RESOLVED, That the Supervisor be and he hereby is authorized to execute a contract with J.J. True Associates, Inc. for a contract sum of \$50,570.00 and that said contract and contract documents be subject to the approval of Donald Denis and the Town Attorney.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued:

Town Justice Leonard offered the following resolution which was seconded by Councilman Young.

RESOLVED, That Joseph Saland and James Kaelin be and they hereby are appointed to appraise and value certain improved real property at the corner of East Main Street and Howell Avenue adjacent to the new Town Hall site, and be paid a reasonable fee therefore.

Councilman Young explained that this involves the piece of property and house that is on the corner of Howell Avenue next to the new Town Hall site.

He further explained that the Town is negotiating to buy this property, so that the front entrance to the new Town Hall can open up on Howell Avenue.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

RESOLVED, That the Supervisor be and he hereby is authorized to execute a contract for certain demolition work within the new Town Hall for a contract price of \$2,450.00 with Hampton Excavating Company.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Sven Englund has applied to the Town Board of the Town of Riverhead for a special permit to operate a non-nuisance industry pursuant to the provisions of Section 209A(2)(f) of Ordinance No. 26 to operate a machine shop on certain real property on the easterly side of West Lane in Aquebogue, and

WHEREAS, Said application has been referred to the Planning Board and they have rendered their report, and

WHEREAS, The Town Board did duly publish and post a notice of hearing on said application and held such a hearing on June 3rd, 1975 at which all persons interested in said application were heard.

NOW, THEREFORE, BE IT RESOLVED, That pursuant to the provisions of Ordinance No. 26 this Board does hereby grant a special permit to Sven Englund to erect and operate a machine shop on certain real property more fully described in the petition herein and subject to all of the drawings, surveys and testimony presented herein including the provision that the use and buildings erected will not interfere with an oral agreement made between the Highway Superintendent and the petitioner's predecessor in title which allows drainage of road water over the subject premises.

RESOLUTION - continued:

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the amendments of the Town Zoning Ordinance No. 26, of the Town of Riverhead, as amended.

NOW, THEREFORE, BE IT RESOLVED, That this Town Board hereby ordains and enacts the following amendment.

RESOLVED, That the Zoning Ordinance No. 26 of the Town of Riverhead be amended as follows:

That the "Zoning Schedule" be amended by adding the following note to the maximum building area in % in all business districts.

NOTE: The maximum building area in % may exceed the stated amount by special permit of the Town Board but not beyond the requirements of the parking schedule.

The vote, Councilman Menendez stated: "Up there, where they want to put this bank, there are 3 acres of empty parking field that is never used and I think it is a waste." He then voted, Yes, Town Justice Manning, No, Councilman Young, Yes, Town Justice Leonard, No, and Supervisor Leonard, No.

The resolution was thereupon declared defeated.

Councilman Young offered the following resolution which was seconded by Town Justice Leonard.

WHEREAS, An application for the rezoning of certain real property situate on the westerly side of Roanoke Avenue adjacent to the "Harrows Shopping Center" has been filed by the Jenasaqua Realty Holding Company to amend Town Ordinance No. 26 and the accompanying zoning map to change the zoning of said parcel from Resident C to Business C, and

WHEREAS, Said application has been referred to the Planning Board which has rendered its report, and

WHEREAS, The Town Board has duly published and posted a notice of hearing on said petition and a hearing having come on to be heard before this Board on May 20th, 1975 and this Board having heard all persons interested herein at that time, and

WHEREAS, The members of this Board have personally viewed and inspected the site and have examined said application in light of the Master Plan of the Town of Riverhead.

NOW, THEREFORE, This Town Board does hereby make the following findings and resolution:

RESOLUTION - continued:FINDINGS

1. The proposed change would not be in harmony with the Master Plan of the Town of Riverhead.
2. The proposed change would cause an encroachment of a business use into an otherwise residential area.
3. That the proposed change would cause certain traffic problems in that it would increase traffic exits onto Roanoke Avenue and would create certain parking problems for the existing shopping center and would endanger pedestrians moving between their parked cars in either the existing center or the proposed detached structure.
4. That detached structures are not in harmony with the shopping center concept and that this shopping center already has one such detached structure.

BE IT RESOLVED, That the application of Jenasaqua Realty Holding Company be denied.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That the Town Clerk be and she hereby is authorized to publish and post the attached notice of public hearing amending Ordinance No. 3:

PUBLIC NOTICE

PLEASE TAKE NOTICE, That on the 1st day of July, 1975 at 11:00 o'clock A.M., a public hearing will be held before the Town Board of the Town of Riverhead, New York, to hear all interested persons in connection with certain proposed repealers and amendments to Town Ordinance No. 3, as follows:

FIRST: To amend Section 4(d) II, Parking Time Limitations, One Hour, by adding a new subsection 3 to read as follows:

3. On the east side of Hamilton Avenue from the intersection of Hamilton Avenue and Pulaski Street north to the public parking field.

SECOND: To repeal Section 7 as it now reads and enact a new Section 7 as follows:

RESOLUTION - continued:Section 7. REMOVAL AND STORAGE OF MOTOR VEHICLES

## (a) Authority to Impound Motor Vehicles:

1. When any vehicle is parked or abandoned on any highway within the Town of Riverhead during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which such vehicle is parked or abandoned, said vehicle may be removed by the Riverhead Town Police.

2. When any vehicle is found unattended on any public highway in the Town of Riverhead where such vehicle constitutes an obstruction to traffic, such vehicle may be removed by the Riverhead Town Police.

3. When any vehicle is parked or abandoned within the Town of Riverhead where parking, stopping or standing is prohibited or said vehicle is parked upon private property without the consent of the owner of such property, such vehicle may be removed by the Riverhead Town Police.

## (b) Procedure, Storage and Charges:

1. Any vehicle in violation of this Ordinance, while parked in violation of this Ordinance or abandoned within the Town of Riverhead and upon which a SUMMONS for violation of Ordinance has been affixed, shall, upon direction of a peace or police officer, be removed from the point of violation by a person engaged in tow business within the Town of Riverhead. The owner or owners of such vehicle shall be required to pay directly to the tower for such removal a reasonable service charge, not to exceed \$30.00. The owner or owners of such vehicle shall also be required to pay a reasonable storage charge for every day after such removal, not to exceed \$3.00 per day.

2. Prior to releasing or surrendering such removed vehicle, the person engaged in tow business shall require the vehicle owner to produce proper identification, sign a receipt, proof from local court showing final disposition of violation or such disposition from local Traffic Bureau, a statement from local Town Justice authorizing such release or surrender or authorization from the Riverhead Town Police.

3. An impound form shall be used by police for each removal.

THIRD: To repeal Section 4(a)(17) and 4(c)(4) as they now read and enact a new Section 4(a)(17) to read as follows:

17. On either side of Edwards Avenue from its intersection with Sound Avenue northerly to the mean high water line of the Long Island Sound, except as provided in Section 4(h).

FOURTH: To add a new Section 4(h) to read as follows:

(h) Parking by Permit - The parking of vehicles bearing valid beach parking permits is hereby permitted in the following locations where parking is otherwise prohibited:

RESOLUTION - continued:

(1) On the easterly side of Edwards Avenue from the mean high water line of Long Island Sound southerly for a distance of 234 feet.

(2) On the westerly and southerly side of Edwards Avenue from the mean high water line of Long Island Sound southerly and easterly for a distance of 1300 feet.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the amendments of the Town Zoning Ordinance No. 26 of the Town of Riverhead, as amended.

NOW, THEREFORE, BE IT RESOLVED, That this Town Board hereby ordains and enacts the following amendment.

RESOLVED, That the Zoning Ordinance No. 26 of the Town of Riverhead be amended as follows:

FIRST: That Section 102, DEFINITIONS, be amended as follows:

By amending present definition No. 48, SPECIAL PERMIT BY TOWN BOARD, to read as follows:

(48) SPECIAL PERMIT

Special permits for special permitted uses as authorized in this ordinance shall issue from the Town Board. Special permits will issue in the form of a resolution of the Town Board, stating findings and conditions. Special permits of the Town Board shall be valid for one (1) to three (3) years, as specified in the Town Board's resolution. The Town Board, under these provisions and any further rules or requirements of the Planning Board of the Town of Riverhead, requires the following data and information as a basis for approving a special permit:

- (a) A written application, verified by the applicant, not an agent. Where the applicant shall be the person or entity responsible and bound for the construction envisioned by the special permit. Where the applicant is not the owner of the real property, the owner must join in and swear to the truth of the application. Any special permit unless performance of the terms and conditions thereof is bonded granted shall be personal to the applicant and shall not be assignable or

RESOLUTION - continued:

transferable without a resolution of approval by the Town Board.

(b) A complete site plan showing the location of all landscaping and other improvements including dwelling units and first floor elevations, and the design of all buildings and structures, drainage, road designs and contours signed, sealed and certified by a New York State licensed engineer or architect certifying that all things shown thereon are correct and comply with all federal and state codes, town and county laws, ordinance and regulations and rules of any applicable special district.

(c) An abstract of title certified by a New York State licensed attorney at law or title company with offices in Suffolk County, certifying the chain of title to all adjoining parcels for ten (10) years prior to the date of the application.

(d) Any other information deemed by either Board in its discretion to be necessary to reasonable determination of the application.

(e) Expert testimony or reports by independent engineers, special counsel, or architects to be paid for by the applicant.

(f) Any applicant filing for a special permit to erect a one-family dwelling as authorized in this ordinance may request in his or her application waiver of any of the requirements of this section.

(g) Incorporated in this section by reference are any and all conditions, requirements or modifications set forth elsewhere in this ordinance which are set forth for and with a special permitted use.

Any application made pursuant to the provisions of this section shall originate by an application to the Town Board, contrary provisions notwithstanding, and shall be referred to the Planning Board which will transmit its recommendations to the Town Board within sixty (60) days of referral.

After receipt of the recommendations of the Planning Board, the Town Board shall hold a public hearing upon public notice as required by section 265 of the Town Law, and the applicant shall pay all expenses of said hearing, including but not limited to, publication costs and transcription of testimony. All testimony at the public hearing before the Town Board shall be given under oath. The Town Board may require the sworn testimony of such persons as it deems necessary for a full and complete hearing on the application. The Town Board may adjourn the public hearing for the purpose of taking further testimony or requiring the production of further information.



RESOLUTION - continued:

The Town Board shall determine that:

- (a) The use will not prevent or substantially impair either the reasonable and orderly use, or the reasonable and orderly development of other properties in the neighborhood.
- (b) The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town.
- (c) The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use.
- (d) Such use will be in harmony with and promote the general purposes and intent of this Ordinance.

The Town Board and the Planning Board may consider, among other matters or factors which either Board may deem material, whether:

- (a) The site is particularly suitable for the location of such use in the community.
- (b) The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.
- (c) The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.
- (d) Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public in relation to the general character of the neighborhood and other existing or permitted uses within it, and to avoid traffic congestion; and further that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances.
- (e) All proposed curb cuts and street intersections have been approved by the street or highway agency which has jurisdiction.
- (f) Adequate provisions have been made for emergency conditions.
- (g) There are off-street parking and truck loading spaces at least in the number required by the provisions of this Ordinance, but in any case, an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further, that the layout of

RESOLUTION - continued:

the spaces and driveways are convenient and conducive to safe operation.

(h) Adequate buffer yards, landscaping, walls, fences and screening are provided where necessary to protect adjacent properties and land uses.

(i) Where necessary, special setback, yard, height and building area coverage requirements, or easements, right-of-way or restrictive covenants shall be established.

(j) Where appropriate, a public or semi-public plaza or recreational or other public areas will be located on the property.

(k) Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

(l) Existing municipal services and facilities are adequate to provide for the needs of the proposed use.

(m) The use will tend to generate or accumulate dirt or refuse, or tend to create any type of environmental pollution including vibration, noise, light, electrical discharges, odors, smoke, or irritants, particularly where they are discernible on adjacent properties or boundary streets.

(n) The construction, installation or operation of the proposed use is such that there is a need for regulating the hours, days or similar aspects of its activity.

(o) The proposed use recognizes and provides for the further special conditions and safeguards required for particular uses as may be determined by the Town or Planning Boards.

(p) The design, layout and contours of all roads and rights-of-way encompassed within the site of the application are adequate and meet town specifications.

(q) Adequate provisions have been made for the collection and disposal of solid wastes including but not limited to the screening of all containers.

(r) The proposed number of units is justified in light of the number of units otherwise proposed, built, occupied or vacant within the Town of Riverhead.

RESOLUTION - continued:

The Town Board, in its resolution granting a special permit pursuant to this section, may make and include certain conditions in its discretion including, but not limited to, the following:

- (a) The posting of performance bonds to guarantee the performance of any or all conditions imposed by the resolution.
- (b) The imposition of fees or in lieu thereof dedication of land or open space easements in an amount or form to be determined by the Town Board as necessary to adequately recompense the Town for the additional municipal services requirement to be provided as a result of the granting of the special permit.
- (c) The filing with the County Clerk of the County of Suffolk of covenants and restrictions, easements or other recordable agreements running with the land and binding upon all successors of the applicant to guarantee or implement the provisions of the special permit.

In those sections of this ordinance where special permits are authorized by resolution and the provisions of this section the Town Board upon finding and stating said findings in its resolution of approval, that the overall purposes of this Ordinance can be fulfilled by the inclusion in said special permit of a variance from the requirements of any use district may grant in its resolution granting a special permit a variance of up to 5% of any setback, area coverage, height, lot area, floor area, side yard, front yard or rear yard or parking requirements.

By renumbering definition numbered 43 to read 43-1.

By adding a new No. 43-2 to read as follows:

43-2 RESTAURANT

RESTAURANT - A use in a building having as its sole purpose the preparation and serving of food to patrons for consumption on premises within furnished dining areas and including as a possible accessory the serving of alcoholic beverages with meals and which does not provide for or permit the consumption of such food in vehicles or informally outdoors on the premises. A RESTAURANT shall not be construed to include any form of live entertainment or any form of drive-in, open front or curbside service eating establishments; or any form of tavern, bar, a nightclub or similar entertainment establishment.

By amending present definition No. 29 to read as follows:

RESOLUTION - continued:29 HOSPITAL

HOSPITAL - A building or buildings used for the diagnosis, treatment or other care of human ailments, other than primarily for specialized care of mental illness, contagious or infectious disease or liquor or drug addicts except that facilities for a limited number of such patients may be provided in accordance with the regulations of the State Health Department. A hospital may include auxiliary services and functions and hospital staff residential quarters.

By renumbering definition numbered 54 to read 54-1.

By adding a new No. 54-2 to read as follows:

54-2 TAVERN

TAVERN - Any building or use commonly known as a bar, barroom, tavern, saloon, cabaret or night club. A place or building where intoxicating liquors are sold to be drunk on the premises. A room containing a bar or counter at which liquors are sold or where liquors and refreshments are sold. A room or place of entertainment where live music, live performances or films are permitted in conjunction with the sale of liquors.

SECOND: That the first paragraph of section 301A be amended to read as follows:

Any building, structure, or use existing on the effective date of this Ordinance, or an amendment thereto, may be continued, although such building, structure or use does not thereafter conform to the regulations of the district in which it is located, and may thereafter be extended by Special Permit of the Town Board if the extent of the structural alterations does not exceed twenty five percent (25%) of the area of building existing at the time it first became a non-conforming use.

THIRD: That sections 205, 208 and 209 be amended by adding new subsections 205(A)(2)(K) respectively as follows:

Tavern by special permit of the Town Board.

FOURTH: That section 206(D)(2) be amended to read as follows:

(2) Where a special permit of the Town Board is required, the provision of these "ADDITIONAL REQUIREMENTS" shall not apply.

RESOLUTION - continued:

Where a special exception of the Zoning Board is required, said special exception shall be obtained as a prerequisite to the filing of the site plan.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, A local law, being proposed L.L. No. 1, 1975 was introduced at this meeting by a member of the Town Board, as follows:

LOCAL LAW NO. 1 - 1975

A LOCAL LAW TO PROVIDE FOR THE MANNER IN WHICH ORDINANCES AND AMENDMENTS THERETO ARE ADOPTED AND TAKE EFFECT.

Be it enacted by the Town Board of the Town of Riverhead as follows:

SECTION 1. Enactment of local law.

In conjunction with the codification of ordinances and local laws of the Town of Riverhead, the following local law is hereby adopted by the Town Board of the Town of Riverhead. Upon the adoption of the proposed Code of the Town of Riverhead this local law will be included therein as Chapter 27, Ordinances, Adoption of, of said Code.

SECTION 27-1. Publication and posting.

Every ordinance and every amendment to an ordinance hereafter adopted or approved by the Town Board shall be entered in its minutes and a summary thereof describing the subject matter of the ordinance printed once in a newspaper published in the town, if any, or in any such newspaper published in the county in which such town may be located, having a circulation in such town, as the Town Board may designate, and a complete typewritten copy thereof posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law, and affidavits of such publication and posting shall be filed with the Town Clerk.

SECTION 27-2. When effective.

Such ordinance or amendment shall take effect ten (10) days after such publication and posting, but such ordinance or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the town, and showing the date of its passage and entry in the minutes.

RESOLUTION - continued:SECTION 2. Repealer.

All local laws, ordinances, resolutions or parts thereof inconsistent with the provisions of this local law are hereby repealed.

SECTION 3. Severability.

In the event that any clause, sentence, section or other part of this local law is declared to be invalid, such invalidity shall not affect the remainder of this local law.

SECTION 4. When effective.

This local law shall take effect as provided by law.

AND WHEREAS, This Board desires to hold a public hearing with respect to the adoption of said local law.

NOW, THEREFORE, BE IT RESOLVED, That a public hearing be held by this Board with respect to the adoption of the aforesaid local law at 11:45 A.M. on the 1st day of July, 1975, at the Town Hall, and it is further

RESOLVED, That the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Attorney explained: "It is the first step in the enactment of the codification of ordinances, as prepared by our Irish friend from upstate.

This will save us the trouble of publishing the entire text of every ordinance we intend to amend which would take several issues of the paper, in its current size to make it."

Town Justice Manning offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and she hereby is authorized to publish and post the attached notice of public hearing amending Ordinance No. 15.

PUBLIC NOTICE

PLEASE TAKE NOTICE, That on the 1st day of July, 1975 at 11:15 o'clock A.M. a public hearing will be held before the Town Board of the Town of Riverhead, at the Town Hall thereof, 220 Roanoke Avenue, Riverhead, New York to hear all interested persons in connection with a proposed repeal of Town Ordinance No. 15 as adopted October 6, 1966 and amended thereafter and the proposed enactment of a revised Ordinance No. 15 to read as follows:

RESOLUTION - continued:WASTE DISPOSAL ORDINANCE NO. 15SECTION 1. TITLE

This ordinance shall be known as the "Waste Disposal Ordinance of the Town of Riverhead".

SECTION 2. PURPOSE

That purpose of this ordinance shall be to protect and promote the health, safety and welfare of the Town of Riverhead by controlling the storage, collection and disposal of garbage, refuse, rubbish and trash within the Town of Riverhead.

SECTION 3. DEFINITIONS

The following definitions shall govern the interpretation of this ordinance unless otherwise expressly defined herein:

a) Words used in the singular shall include the plural and vice versa. The word "shall" is always mandatory.

b) "Person": includes natural persons, corporations, co-partnerships, unincorporated associations or any other organization of two or more persons.

c) "Owner": includes actual owners, purchasers under reserve title contracts, conditional sales contracts or vendor's lien agreements or lessees, who are entitled to obtain in their own names proper New York State registration of vehicles.

d) "Vehicle": means any truck, wagon, automobile or conveyance which is licensed for the transportation or cartage of garbage, refuse, rubbish or trash, land clearing debris, tires, potatoes and other produce, and recycleable materials or other reconvertible resources

e) "Street": means a road, avenue or public highway in the Town of Riverhead.

f) "License": means due authorization in writing as provided herein which permits a person to engage in the business of collecting garbage, refuse, rubbish or trash from the premises of any person or of carting or transporting the same through or upon any street within the Town of Riverhead and to deposit the same on any authorized dumping ground within the Town of Riverhead.

g) "Commercial Dumping": persons engaged in business collecting fee to dispose of refuse, trash, rubbish, land clearing debris, tires, potatoes and other produce, and recycleable materials or other recoverable resources, and using the Town of Riverhead sanitary landfill.

SECTION 4. ILLEGAL DUMPING

a) It shall be unlawful for any person to throw, deposit or cause to be thrown or deposited on any street or place, except authorized dumping grounds, garbage, refuse, rubbish or trash, nor shall any person use or permit to use, operate or maintain any private property as a dump or dumping ground, for the deposit of any garbage,

RESOLUTION - continued:

refuse, rubbish or trash, unless a permit therefor is first obtained from the Town Board. This section shall not be construed to limit the rights of residents or others to place garbage, refuse, rubbish or trash in covered containers in front of their property for authorized collection and removal.

b) It shall be unlawful for any person to deposit, place or dump garbage, refuse, rubbish, trash, etc. at the Town Sanitary Landfill unless licensed or permitted to do so as provided herein.

c) No household, or institutional garbage, refuse, rubbish or trash shall be stored or accumulated on any premises within the Town of Riverhead except as permitted by this ordinance.

d) Every owner, lessee and occupant of any house, building, premises or place of business within the Town of Riverhead shall provide or cause to be provided sufficient receptacles for receiving and containing garbage, refuse, rubbish or trash that may be accumulated upon the premises. No such receptacles shall be kept near any public place for more than twelve hours for the removal of the contents thereof. All receptacles used for the reception of garbage, refuse, rubbish or trash shall be provided with proper covers, and such receptacles shall at all times be securely closed.

e) No garbage, refuse, rubbish or trash shall be burned within the Town of Riverhead without first obtaining an appropriate permit as authorized by the Town Board.

f) It shall be unlawful for any person to convey garbage, refuse, rubbish, cesspool contents, etc. collected outside geographic limits of the Town of Riverhead, over any street within the town for delivery to the Town Landfill or to deliver or attempt to deliver the same to the Town Landfill.

g) No child under the age of 12 shall be permitted to wander about the Town Landfill, but must remain in vehicles.

h) Dumping of radiological, infectious, toxic, explosive or other hazardous wastes is prohibited.

SECTION 5. LICENSES

a) Licenses shall be issued by the town Clerk to persons complying with the provisions of this ordinance and supplementary regulations as are promulgated from time to time by the Town Board of the Town of Riverhead. No person shall engage in the business of collecting garbage, refuse, rubbish or trash, stumps, brush or any other type of waste material within the Town of Riverhead without a license.

b) License fees shall be collected as follows:



RESOLUTION - continued:

I. BUSINESS FEE: Each person engaged in the business of collecting garbage, refuse, rubbish or trash, stumps, brush or any other type of waste material within the Town of Riverhead shall pay a license fee for each of his vehicles of \$150.00, if he is a taxpayer in the Town of Riverhead, and \$500.00, if he is a non-taxpayer. These permits shall be issued yearly effective January first of each year and prorated on applications filed after January.

II. LAND CLEARING: Land clearing fees shall be based on the number of axles on each truck delivering to the Sanitary Landfill. Each permit shall bear the license number of the truck and date of the permit. An application must be filed with the Town Clerk stating the number of loads anticipated and the date work will be completed. Each permit will bear an expiration date in accord with the application therefore. The fees per load shall be; a) all vehicles less than 3/4 ton - no fee, b) greater than 3/4 ton - \$5.00 per axle, c) ten wheel trucks - \$20.00, d) dump trailers - \$50.00.

III. CESSPOOL CLEANING: The license fee for any vehicle used in the transportation of raw sewage or cesspool contents shall be the sum of \$250.00 per annum together with additional fee of one-half cent for each gallon of raw sewage or cesspool contents actually dumped at the Riverhead Sanitary Landfill. No person, whether licensed or unlicensed, may dispose of raw sewage or cesspool contents collected from outside of the Town of Riverhead.

IV. DEMOLITION: The dumping or disposal at the Town Sanitary Landfill of garbage, refuse, rubbish or trash created by the demolition of any building larger than 2,000 cubic feet shall be charged a uniform dumping fee for demolition wastes at a rate of 50 cents per cubic yard. For buildings greater than 2,000 cubic feet, payment shall be made in advance at the office of the Town Clerk.

V. SPECIAL PERMIT: A charge of \$25.00 per load shall be made for the dumping or disposal at the Town Sanitary Landfill of any unusual garbage, refuse, rubbish or trash which shall give off an offensive odor, or which shall create an unusual disposal problem, except cesspool contents.

c) Prior to the issuance of a license for any vehicle pursuant to this ordinance, the Town Board, or its designated representative, shall first approve the application for such license and the vehicle shall be inspected by the person in charge of the Town Sanitary Landfill or such other person or persons designated by the Town Board.

d) Each application for such license shall provide the following information:

1. Name and address of the applicant and of all persons having a financial interest in the business;

RESOLUTION - continued:

2. A brief description of the vehicle, including the manufacturer, factory number, type of body (for example, tank, enclosed pickup, packer, van and so forth), weight of the vehicle unladen, the maximum load to be carried and the New York State registration number;

3. The area or areas served by the vehicle;

4. The location where the vehicle is stored or garaged when not in use;

5. The place or places where the applicant shall dispose of the garbage, refuse, rubbish or trash collected and the manner of disposal;

6. Whether the applicant, or any of their persons having a financial interest in the business has ever been convicted of a felony, or misdemeanor, or has ever had an operator's license revoked or suspended in this or any other state;

7. Proof of financial responsibility in the event of injury of persons or property by reason of the negligent operation of any vehicle used in the business.

e) Every licensee shall affix the insignia delivered for use in connection with operation of a licensed vehicle in such manner as may be directed by the Town Clerk.

f) No license or permit issued under the provisions of this ordinance shall be transferable.

g) The Town Board shall have the power to suspend or revoke a license granted or renewed pursuant to this ordinance, for failure to comply with this ordinance. Renewal licenses shall be issued in the same manner and subject to the same conditions as original licenses.

SECTION 6. VEHICLES

a) All vehicles used in the transportation of garbage, refuse, rubbish or trash shall be so equipped that no part of the load shall blow, leak or spill. All vehicles used in the transportation of garbage, refuse, rubbish or trash shall be covered. All vehicles used in the transportation of garbage, refuse, rubbish or trash shall be water tight unless the load consists wholly of dry material.

b) The residents shall be issued identification stickers at the Sanitary Landfill upon application therefor, and no license shall be required for any resident of the Town as defined herein to transport his own garbage, refuse, rubbish or trash.

RESOLUTION - continued:

c) All vehicles shall be kept in a sanitary condition and shall be subject to inspection by the person in charge of the Town Sanitary Landfill or by such other persons as the Town Board may designate.

d) It shall be unlawful to store or garage any vehicle containing garbage, refuse, rubbish or trash overnight.

SECTION 7. USE OF THE TOWN SANITARY LANDFILL

a) The use of the Town Sanitary Landfill of the Town of Riverhead is hereby restricted to residents of the Town of Riverhead, and operators of vehicles licensed hereunder collecting refuse, waste, etc. within the Town of Riverhead.

b) No person shall use the Town Sanitary Landfill except during the regular hours when the sanitary landfill is open. The Town Sanitary Landfill shall be open every day except New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Easter Sunday.

c) It shall be unlawful to dump vehicles or parts of vehicles at the Town Sanitary Landfill. Cesspool refuse may be dumped at the Town Sanitary Landfill only if it is transported in watertight metal containers. Newspapers may be dumped at the Town Sanitary Landfill only if they are tied securely or placed in a suitable container.

d) The person in charge of the Town Sanitary Landfill under the authority of the Town Board shall have the authority to determine what garbage, refuse, rubbish or trash shall be deposited within the dump, and shall also have the sole authority to determine what shall constitute an unusually large quantity of garbage, refuse, rubbish or trash with an offensive odor, or which shall create an unusual disposal problem, as defined above.

e) No person shall dump garbage, refuse, rubbish or trash at the Town Sanitary Landfill except in the area and manner indicated by signs or directions displayed at the Town Sanitary Landfill. Any oral directions given by the person in charge of the Sanitary Landfill under the authority of the Town Board shall take precedence over any posted signs or directions.

f) There shall be no loitering or scavenging at the Town Sanitary Landfill at any time.

g) The regulations herein contained shall also apply to any other lands hereinafter acquired or leased by the Town of Riverhead for the purpose of disposal of garbage, refuse, rubbish or trash.

RESOLUTION - continued:

h) No refrigerator, ice box or any other container which has an air tight snap-lock or other device thereon shall be deposited at the Sanitary Landfill without first removing said snap-lock or door from said refrigerator or ice box or container.

i) All items deposited at the Sanitary Landfill becomes the property of the Town of Riverhead and removal of any items is prohibited without permission of the Town Board or its duly appointed representatives.

j) No person other than Town employees, shall enter the landfill except to dump rubbish, trash, garbage, etc.

SECTION 8. ENFORCEMENT, PENALTIES

a) Any violation of any of the provisions of this ordinance shall be as defined in the Criminal Procedure Law. Each day such violation shall continue or be permitted to exist shall constitute a separation violation.

b) For every violation of any provision of this ordinance the person violating the same shall be subject to a fine of not more than \$100.00, or imprisonment not exceeding 30 days, or by both such fine and imprisonment.

c) Conviction for any above mentioned violation shall constitute and effect an immediate forfeiture of the license.

d) Any person violating this ordinance shall be subject to a civil penalty enforceable and collectable by the Town in the amount of \$100.00 for each such offense. Such penalty shall be collectable by and in the name of the Town for each day that such violation shall continue.

e) In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such ordinance.

SECTION 9. SAVING CLAUSE

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

RESOLUTION - continued:SECTION 10. REPEAL

The Revised Waste Disposal Ordinance, adopted September 6, 1966, and any subsequent amendments thereto are hereby repealed and all rules, requisitions, and ordinances of this Town inconsistent herewith are hereby repealed as of the date of this ordinance shall go into effect.

Any person desiring to be heard on the said proposed repeal and enactment shall appear at the time and place above specified.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, VIMCO - Riverhead Speedway has applied for a Permit for a display of fireworks to be held at the Riverhead Raceway, Route 58, Riverhead, New York, on the evening of the 5th day of July, 1975, rain date July 12, 1975, and

WHEREAS, Said applicant has filed with the Town Clerk a Certificate of Insurance naming the Town of Riverhead with a coverage limit of \$500,000/\$500,000 for Public Liability and \$500,000/\$500,000 for Property Damage, and a sketch showing location where the fireworks are to be discharged by New York Pyrotechnic Products, Inc., Bellport, N.Y., the firm in charge of setting off said fireworks, and

WHEREAS, The Town Attorney has recommended that the fireworks display be permitted as provided in the letter that was read earlier in the evening, subject, however, to the production of satisfactory certificates of insurance, now, therefore,

BE IT RESOLVED, That the Town Clerk be and is hereby instructed to issue a Fireworks Permit for the public display of fireworks to VIMCO - Riverhead Speedway, Route 58, Riverhead, N.Y., for the evening of July 5th, 1975, rain date July 12, 1975, and

BE IT FURTHER RESOLVED, That the issuance of said Permit is subject to conditions and provisions as contained in Section 405 - Subd. 3 of the Penal Law of the State of New York.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Town Justice Manning.

WHEREAS, VIMCO - Riverhead Speedway has applied for a Permit for a display of fireworks to be held at the Riverhead Raceway, Route 58, Riverhead, New York, on the evening of the 6th day of September, 1975, rain date September 13, 1975, and

RESOLUTION - continued:

WHEREAS, Said applicant has filed with the Town Clerk a Certificate of Insurance naming the Town of Riverhead with a coverage limit of \$500,000/\$500,000 for Public Liability and \$500,000/\$500,000 for Property Damage, and a sketch showing location where the fireworks are to be discharged by New York Pyrotechnic Products, Inc., Bellport, N.Y., the firm in charge of setting off said fireworks, and

WHEREAS, The Town Attorney has recommended that the fireworks display be permitted as provided in the letter that was read earlier in the evening, subject, however, to the production of satisfactory certificates of insurance, now, therefore,

BE IT RESOLVED, That the Town Clerk be and is hereby instructed to issue a Fireworks Permit for the public display of fireworks to VIMCO - Riverhead Speedway, Route 58, Riverhead, N.Y., for the evening of September 6th, 1975, rain date, September 13th, 1975, and

BE IT FURTHER RESOLVED, That the issuance of said Permit is subject to conditions and provisions as contained in Section 405-Subd. 3 of the Penal Law of the State of New York.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young, Yes, Town Justice Leonard, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Town Justice Manning.

RESOLVED, That Dr. Francis Cardinale be and he hereby is appointed as a member of the Zoning Board of Appeals for a five (5) year term, commencing June 20, 1975, and ending May 31, 1980.

The vote, Councilman Menendez, Yes, Town Justice Manning, Yes, Councilman Young stated as follows: "Originally the Zoning Board of Appeals was set up with 3 Republicans and 2 Democrats, as a means of checks and balances. Several years later, one of the Democrats, for some unknown reason, changed to a Republican and I voted for him again, thinking he was still a Democrat. I will try to make up for that mistake now by voting Yes." Town Justice Leonard, No, and Supervisor Leonard, Not Voting.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Supervisor Leonard.

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the amendments of the Town Zoning Ordinance No. 26, of the Town of Riverhead, as amended.

NOW, THEREFORE, BE IT RESOLVED, That this Town Board hereby ordains and enacts the following amendment.

RESOLVED, That the Zoning Ordinance No. 26 of the Town of Riverhead be amended as follows:

RESOLUTION - continued:

By adding a new Section 206(1)(p) to read as follows:

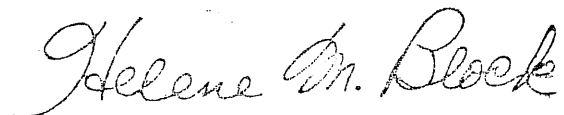
(p) Veterinary Hospital

PLEASE TAKE FURTHER NOTICE, That pursuant to said resolution the Town Clerk has entered said change in the minutes of the Town Board and does hereby publish the same in the News-Review, the official newspaper of the Town of Riverhead for such purposes, and simultaneously herewith has posted a copy of said change on the sign board and has inserted said copy in the Town Ordinance Book as maintained by the Town Clerk, all pursuant to the statutes and ordinance made and provided herefore.

The adoption of the aforesaid amendment to Zoning Ordinance No. 26 of the Town of Riverhead as amended, shall take effect ten (10) days after such publication and posting.

The vote, Councilman Menendez stated that he had had plenty of time to think about this matter and voted Yes, Town Justice Manning stated that he felt everyone involved in this application were "swell people", but he could not let his heart rule his mind and voted, No, Councilman Young said if they gave these doctors the permit they seek, there was no guarantee that they would still go along with the restrictions they promised they would adhere to and voted, No, Town Justice Leonard replied that he had the deepest respect for these boys, in what they said and what they promised they would do and voted, Yes, and Supervisor Leonard, Yes.

There being no further business on motion and vote, the Meeting adjourned at 8:50 P.M., to meet on Tuesday, July 1st, 1975, at 10:30AM.



HMB/mhj

Helene M. Block, Town Clerk